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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
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| 10/729,973 | 12/09/2003 | William Y. Sun | | 2202 | |
| 7: | 590 02/22/2006 | | EXAM | INER | |
| Clyde I. Coughenour | | | FLANAGAN, BEVERLY MEINDL | | |
| 16607 Sutton Place Woodbridge, VA 22191 | | | ART UNIT | PAPER NUMBER | |
| | | | 3739 | | |
| | | | DATE MAILED: 02/22/2006 | 6 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary Examiner | | Application No. | Applicant(s) | | | | |
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| Beverly M. Flanagan 3739 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - If NO DATHS from the raining date of this communication. - If NO DEPOSE for reply is specified shows, the maximum statisticy selected value part of the communication. - If NO DEPOSE for reply is specified shows, the maximum statisticy selected value part of the communication. - If NO DEPOSE for reply is specified shows, the maximum statisticy selected value part of the communication. - If NO DEPOSE for reply is specified shows, the maximum statisticy selected value part of the communication is selected period for reply is specified shows. - If NO DEPOSE for reply is specified shows, the maximum statisticy selected value part of the communication is selected to select the selected value part of the communication. - If NO DEPOSE for reply is specified shows, the maximum statisticy selected value part of the communication is communication. - If NO DEPOSE for reply is specified above, the maximum statistic part of the communication is communication. - If NO DEPOSE for reply is specified above, the maximum statistic part of the communication. - Statistic value is a part of the communication. - Statistic value is a part of the communication. - Statistic value is a part of the communication. - Statistic value is a part of the communication. - Statistic value is a part of the communication. - Statistic value is a part of the communication. - Statistic value is a part of the communication. - Statistic value is a part of the communication. - Statistic value is a part of the communication. - Statistic value is a part of the communication. - Statistic value is a part of the communication. - Statistic value is a part of the communication. - Statistic value is a part of the communication. - Statistic val | | 10/729,973 | SUN, WILLIAM Y. | | | | |
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| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \$ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time rays be available under the provisions of 37 CPT 1.136(a). In no exent, however, may a raisy be timely filled - Extensions of time rays be available under the provisions of 37 CPT 1.136(a). In no exent, however, may a raisy be timely filled - Extensions of time rays be available under the provisions of 37 CPT 1.136(a). In no exent, however, may a raisy be timely filled - If No pands for exply is specified above, the maximum statulory period will pay a well weighs fix (b) MONTHS from the making date of this communication, and the provision of the provision of the provision of the communication, even if timely filed, may reduce any available transplants and the provision of the communication, even if timely filed, may reduce any available time provision of the provision | | | | | | | |
| WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provision of 37 cPt 1.15(a), in no event, however, may a reply be timely filed after 50x (p) MONTHS from the mailing date of this communication. - Failbus to require with the set or centeded period for reply will, by stables, case the application to become ABANDOFD (38 U.S.C. § 133). - Any reply received by the Differs later than three months after the mailing date of this communication, even if timely filed, may reduce any sense of patter than diputations. - Failbus to require them adjustment. Sea 37 CFR 1.704(b). Status 1) ■ Responsive to communication(s) filed on 98 December 2005. 2a) □ This action is FINAL. 2b) ■ This action is FINAL. 2b) ■ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 ○ Claim(s) 1-17 is/are pending in the application. 4 ○ Claim(s) 1-17 is/are pending in the application. 4 ○ Claim(s) 1-18 is/are allowed. - Size and 8 is/are rejected. - Claim(s) 2-7 and 9-17 is/are objected to. - ○ Claim(s) 2-7 and 9-17 is/are objected to. - ○ □ Claim(s) 2-7 and 9-17 is/are objected to by the Examiner. - Application Papers 9 □ The specification is objected to by the Examiner. - Application Papers 9 □ The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9 □ The other or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some ^_ c) None of: 1 Certified copies of the priority documents have been received in Application No 3 Copies of the certified opies of the priority documents have | | ears on the cover sheet with the d | correspondence address | | | | |
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| 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. **BEVERLY M. FLANAGAN PRIMARY EXAMiNER Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) **Topics of the certified copies not received. **BEVERLY M. FLANAGAN PRIMARY EXAMiNER **Topics of PRIMARY EXAMINER **Topics of PRIMARY EXAMINER **Topics of PTO-413) Paper No(s)/Mail Date **Topics of PTO-152) | | | | | | | |
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DETAILED ACTION

Withdrawal of Finality/Reopen Prosecution

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Previously Set Forth Grounds of Rejection

The 35 U.S.C. § 103(a) rejection of claims 1, 2, 4 and 6-9 as being unpatentable over Van Dam (U.S. Patent No. 5,065,738) in view of Rooney et al. (U.S. Patent No. 5,656,014) is hereby *withdrawn*

The following new grounds of rejection are set forth:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by the Panduit Publication (1999).

In regard to claim 1, The Panduit publication teaches a plate having a top surface, a bottom surface, a forward end, a rear end, a first side, a second side and a central area, a foam support having a top surface and a bottom surface where the top

surface is attached to the plate's bottom surface, a bottom surface and an adhesive having a top surface attached to and extending along the foam support bottom surface (see pages 1 and 2 of the Panduit publication). The device as disclosed by Panduit is capable of attachment to a laryngoscope blade. In regard to claim 8, page 2 of the Panduit publication shows a liner for covering the adhesive.

Allowable Subject Matter

Claims 2-7 and 9-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beverly M. Flanagan whose telephone number is (571) 272-4766. The examiner can normally be reached on Mondays, Tuesdays and Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone

Application/Control Number: 10/729,973 Page 4

Art Unit: 3739

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beverly M. Flanagar Primary Examiner Art Unit 3739
